

AMENDMENTS TO THE CLAIMS

The following is a complete, marked-up listing of revised claims with a status identifier in parentheses, underlining indicating insertions, and strikethrough and/or double bracketing indicating deletions.

LISTING OF CLAIMS:

1. (Withdrawn) An isolated nucleic acid molecule encoding fungal immunomodulatory protein comprising SEQ ID NO. 1.

2. (Withdrawn) The isolated nucleic acid molecule according to Claim 1, which is ligated to other gene to be expressed in one delivery system.

3-4. (Cancelled).

5. (Withdrawn) A host cell that is transformed with an expression vector comprising the nucleic acid molecule according to Claim 1.

6. (Withdrawn) The host cell according to claim 5 that is a bacterium, a fungal cell or a yeast cell.

7. (Withdrawn) The host cell according to Claim 5, that is *Saccharomyces cerevisiae*, *Pichia pastoris*, *Hansenula polymorpha*, *Candida utilis*, *Candida boidinii*, *Candida maltosa*, *Kluyveromyces lactis*, *Yarrowia lipolytica*, *Schwanniomyces occidentalis*, *Schizosaccaromyces pombe*, *Torulopsis*, *Arxula adeninivorans*, or *Aspergillus* (*A. nidulans*, *A. niger*, *A. awamori*, *A. oryzae*) or *Tricoderma* (*T. reesei*).

8. (Withdrawn) The host cell according to Claim 5, wherein the yeast is *Saccharomyces cerevisiae*.

9-10. (Cancelled).

11. (Withdrawn) The host cell according to Claim 5, which is administered to a subject selected from the group consisting of mammal, fish, crustacean and poultry.

12. (Withdrawn) The host cell according to Claim 11, wherein the administration is by the route selected from the group consisting of i.v., i.p, oral, mucosa, skin adsorption or immersing in solution.

13-16. (Cancelled).

17. (Withdrawn) A process of expressing protein in a host cell with fungal immunomodulatory protein, the process comprising (a) constructing an expression vector having the FIP nucleotide sequence that the host cell preferred inserted, (b) transforming a host cell with the vector; and (c) culturing the host cell under appropriate conditions for expression, wherein the improved FIP nucleotide sequence is SEQ ID NO. 1.

18. (Cancelled).

19. (Withdrawn) The process according to Claim 17, wherein the host cell in step (a) and (b) is *Saccharomyces cerevisiae*.

20. (Withdrawn) The process according to Claim 17, wherein the vector in step (b) is pYB101-FIP-yeast.

21. (Withdrawn) The fungal immunomodulatory protein prepared and isolated from the host cell transformed by the process of Claim 17.

22-23. (Cancelled).

24. (Withdrawn) A composition for use in modulating immunological activities by oral route comprising fungal immunomodulatory protein, wherein the fungal immunomodulatory protein is encoded by a nucleic acid molecule including SEQ. ID NO. 1.

25. (Withdrawn) The composition according to Claim 24, wherein the fungal immunomodulatory protein is prepared from natural Ling Zhi.

26. (Withdrawn) The composition according to Claim 24, which is applied to cosmetic use to reduce inflammation and anaphylaxis.

27. (Withdrawn) The composition according to Claim 24, which is applied to pharmaceutical use for reducing inflammation and anaphylaxis, modulating immunological activity, preventing diabetes, improving asthma, increasing response against bacterial and viral infection and decreasing immunological response against organ transplantation.

28. (Withdrawn) The composition according to Claim 24, which is applied to food or feed additives for lengthening life, modulating immunological activity, increasing feed conversion and decreasing stress.

29. (Previously Presented) A method of modulating immunological activities comprising orally administering fungal immunomodulatory protein or protein fused with FIP to a subject, wherein the fungal immunomodulatory protein is encoded by a nucleic acid molecule including SEQ. ID NO. 1.

30. (Previously Presented) The method according to Claim 29, wherein the protein is prepared from *E.coli* or *Saccharomyces cerevisiae*.